


Application Number 	Application No. 09/708,965	Applicant(s) SHAH ET AL.	
			1711

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TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION	Docket Number (Optional) 806803-1378
In re Application of: Kanu G. Shah, et al.	
Application No.: 09/708,965	
Filed: November 8, 2000	
For: EPOXY NITRILE INSULATOR AND SEAL FOR FUEL CELL ASSEMBLIES	
<p>The owner, <u>Dana Corporation</u>, of <u>100%</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number <u>09/644,634</u>, filed on <u>August 23, 2000</u>, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.</p>	
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<div style="text-align: center;">  Signature Date <u>8-4-03</u> <hr/> Jennifer M. Brumbaugh Typed or printed name <hr/> (248) 594-0600 Telephone Number </div>	
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<p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.</p>	
<p>I hereby certify that this correspondence is being deposited with the U.S. Patent Office, via facsimile to Art Unit 1711, Attention: Examiner M.D. Blawie at (703) 872-9311, on the date shown below.</p> <p>Dated: <u>8/4/</u> 2003 Signature: <u>Kathryn L. Nash</u> (Kathryn L. Nash) </p>	

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